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June 5, 2019

U.S. Court of Appeals for the Third Circuit  
601 Market Street  
Philadelphia, PA 19106-1744

Nos. 18-2012, 18-2225, 18-2249, 18-2253, 18-2281, 18-2332, 18-2416, 18-2417,  
18-2418, 18-2419, 18-2422, 18-2650, 18-2651, 18-2661, 18-2724 & 19-1385

In Re: National Football League Players' Concussion Injury Litigation (E.D. Pa. No. 2-  
12-md-02323)

To the Court:

I write on behalf of the Locks Law Firm in response to the Court's May 30, 2019 order regarding briefing and scheduling in the above-referenced matters. All Appellants consent to this letter. Following the Court's order, Appellants met on a conference call and conferred by email and now respectfully provide this response to the questions posed by the Court.

Appellants respectfully request that the Court make a change to Step 1 of its briefing order with regard to the issues addressed in point (d). Because of the configuration of Appellants who have taken appeals from respective orders and the assignment of brief-writing responsibilities, it would make more sense for the issues in point (d) — the 5% holdback and the 22% cap on contingency fees — to be addressed by the Aldridge Objectors in their Step 1 brief. The consolidated brief on the issuance of the aggregate common benefit fee will be filed by John Pentz on behalf of Cleo Miller. And, as previously indicated, the consolidated brief on the fee allocation order will be filed by the Locks Law Firm.

Appellants thus propose the following modified version of Step 1 of the Court's order:

Step 1: Within sixty (60) days of the date of this order, the following Appellants' briefs, which may not exceed 13,000 words each, and the joint appendix, must be filed and served:

- a) Consolidated brief addressing the common benefit fees allocation order (#10019), to be filed by the Locks Law Firm. This brief should

also address any individual issues of the Locks Law Firm in No. 18-2724.

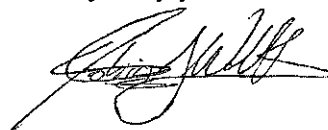
- b) Brief by the Aldridge Objectors and counsel, covering all of their issues in Nos. 18-2225 & 18-2651. This brief will address the 5% holdback on fees or awards and the 22% cap on contingency fee awards to Individually Retained Plaintiff's Attorneys (IRPAs) (#9863, 10103 & 10104).
- c) Consolidated brief addressing the aggregate common benefit attorney's fees and expenses awarded (# 9860 and 9861), to be filed by John Pentz on behalf of Cleo Miller. This brief should also address any other issues of this appellant in No. 18-2249.

Step 2 of the Court's order should then be amended to include John Pentz on behalf of Cleo Miller in the list of Appellants who do not need a Step 2 individual brief. Step 2 should thus read:

Step 2: Within thirty days of the date of service of the last Step 1 brief, Appellants — with the exception of the Locks Law Firm, John Pentz on behalf of Cleo Miller, the Aldridge Objectors, and the Faneca Objectors — may file an individual brief, if necessary, advancing their own arguments concerning their respective allocation of common-benefit fees, as well as any other issue not addressed in the consolidated briefs. Absent leave of the Court, each of these briefs may not exceed 5,000 words. Appellants are encouraged to consult with one another regarding the contents of their briefs as the Court disfavors repetitive briefs. Appellants may join in or adopt portions of another's brief by reference. See Fed. R. App. P. 28(i). If an Appellant is not filing an individual brief, counsel for that Appellant must file a letter with the Court advising of this. The letter must be filed within the same time period as the brief.

The rest of the Court's order will then remain the same. Finally, Appellants respectfully request that the Court provide that the sixty (60) days for the filing of Step 1 briefs will begin the day this Court issues an amended order that reflects the changes to Step 1 and Step 2 set forth above.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Tobias Wolff', with a stylized flourish at the end.

Tobias Barrington Wolff  
on behalf of the Locks Law Firm

**CERTIFICATE OF SERVICE**

I, David D. Langfitt, hereby certify that on the 5<sup>th</sup> day of June 5, 2019, I electronically transmitted a true and correct copy of the foregoing Letter to the Clerk of the Court using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to all attorneys of record who are ECF registrants.

DATE: June 5, 2019

/s/ David D. Langfitt

David D. Langfitt